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Magistrate Judge Leavitt's Report and Recommendation (Doc. #412) are overruled.

IT IS FURTHER ORDERED that Magistrate Judge Lawrence R. Leavitt's,
Report and Recommendation (Doc. #379) entered January 7, 2008, is AFFIRMED.

IT IS FURTHER ORDERED that in view of the Notice of Foreign Law (Doc.

IT IS THEREFORE ORDERED that Defendant Xu Guo Jun's Objections to

#263) filed by Plaintiff United States, this Court will instruct the trial jury as follows:

"You are instructed that fraud, or a scheme or attempt to defraud the Bank of China is a felony under Foreign Chinese Law."

DATED: April 10, 2008.

PHILIP M. PRO

United States District Judge